IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17263 OF 2005

Dated : 4th August, 2005

Between:

Gadiraju Narayana Raju and others

Petitioners

AND

The District Collector,

Machilipatnam, Krishna District and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

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W.P. No. 17263 OF 2005

ORAL ORDER:

Assailing the action of the respondents in trying to dispossess the

petitioners from the lands over an extent of Ac.1.38 cents inRS No. 301/2, Ac.2.50 cents in RS No. 301/3, Ac.1.36 cents in RS No. 303/1, Ac.0.90 cents in RS No. 310/1, Ac.0.90 cents in RS No. 310/2, and Ac.2.24 cents in RS No. 310/3, totally admeasuring Ac.9.28 cents in Nutchimilli village, Mandavalli Mandal, Krishna District as illegal, arbitrary and unconstitutional and consequently not to dispossess them from the above lands in pursuance of the notice dated 12.7.2005 issued against Sri KVR Surya Narayana Raju, the petitioners filed this writ petition.

The case of the petitioners is that they purchased the above properties under registered documents in the year 1991 and they were contended in fish tanks and are enjoying the same. The Revenue Authorities also issued pattedar passbooks in their favour. While so, surprisingly, the 2nd respondent issued notice under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, against one K.Venkata Rama Suryana Narayana Raju for evicting from the petitioners' lands on 12.7.2005 and he replied to the same on 27.7.2005 stating that he is no way concerned with the said lands. The second respondent while issuing notice to the said K.Venkata Rama Suryana Narayana Raju, approached the petitioners and warned them of dispossession within two days with police aid. Therefore, the petitioners filed this writ petition seeking the above prayer.

Evidently, there is nothing on record that the respondents have issued notice to the petitioners calling upon them to vacate the lands in question. There is also nothing on record which suggests that K.Venkata Rama Suryana Narayana Raju is in any way connected with the lands in question. In view of these facts, the respondents are directed not to dispossess the petitioners from the lands in question without following due process of law. The writ petition accordingly stands disposed of at the stage of admission. No order as to costs.

Elipe Dharma Rao, J.

August 4, 2005

MAS.